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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,828	10/20/2005	Kazuhide Hasebe	33082M286	3997

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WASHINGTON, DC 20036

EXAMINER

GOLIGHTLY, ERIC WAYNE

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

09/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,828

Applicant(s)

HASEBE ET AL.

Examiner

Eric Golightly

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1, 5 and 7 teach cleaning for a limited period of time while "restraining damage". However, the present application does not teach how to restrain damage in any manner other than staying within the time limit. This rejection is unnecessary.

Please remove.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicants are advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP4-72727 known hereafter as '727 in view of Ye et al. (US Patent 5,817,534 known hereafter as '534) and in further view of Yieh et al. (US Patent 6,352,591 known hereafter as '591).

For Claims 1, 5 and 6 JP'727 teaches cleaning an apparatus including a treatment vessel having thereon quartz structures (abstract) by supplying HF gas or NH₃ gas into

the treatment vessel (abstract). JP'727 does not explicitly teach that HF gas and NH_3 gas are supplied as a mixed gas or the cleaning time period. Since use of both HF gas and NH_3 gas are disclosed, it would have been obvious to a person of ordinary skill in the art at the time of the invention to use a single mixed gas of HF gas and NH_3 gas with a reasonable expectation of success. '534 teaches a method of cleaning a plasma reactor (abstract) and discloses that it is desired to speed up the cleaning process to minimize the time required to clean the reactor interior (col. 5 lines 1-15). Therefore, it would have been obvious to one of ordinary skill in the art to minimize the time period up to the minimum time to clean the apparatus in order to increase throughput and minimize the downturn of the apparatus. Minimizing the time period reads on restraining damage to the quartz in view of the corrosive properties of HF gas and NH_3 gas.

JP'727 and '534 do not explicitly teach performing the cleaning method to clean a vessel having therein quartz structures that are exposed to a SiO_2 , AsSG or BSG film deposited by means of TEOS. '591 teaches a method of processing semiconductor wafers (abstract) and discloses AsSG and BSG films deposited by means of TEOS (col. 47, lines 19-54). It is noted that '591 discloses vacuum chamber treatment with ammonia and HF vapor (col. 60, lines 1-14). The skilled artisan would have found it obvious to treat structures that are exposed to SiO_2 , AsSG and BSG films as per the '591 teaching with the method as per the JP'727/'534 teachings with a reasonable expectation of success since these films are known in the art. It is noted that the recited

means for depositing the films, i.e., TEOS, although discloses in the art of record, does not provide a patentable distinction. See MPEP 2113.

For Claim 2 JP'727, '534 and '591 disclose using a chamber temperature of 300°C ('591 at col. 45 line 66 to col. 46, line 2) during the cleaning step.

For Claim 3 JP'727, '534 and '591 disclose using a pressure of 760 torr during the cleaning ('591 at col. 41, lines 41-44) in one embodiment, but do not explicitly teach this pressure with a temperature range of 100°C to 300°C in this embodiment. However, JP'727, '534 and '591 disclose another embodiment using a chamber temperature of 300°C ('591 at col. 45 line 66 to col. 46, line 2) during the cleaning step. Since both the claimed temperature and claimed pressure ranges are disclosed, it would have been obvious for the skilled artisan to use a combination of the claimed pressure and temperature ranges during cleaning with a reasonable expectation of success.

7. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over '727 (JP4-72727) in view of '534 (US Patent 5,817,534), '591 (US Patent 6,352,591) and '381 (JP 08-195381) and further in view of Goto et al. (US Patent 6,880,561 known hereafter as '561).

JP'727, '534 and '591 disclose using HF and NH₃ to clean but do not explicitly teach the ratio of HF to NH₃. '381 teaches controlling the flow rate of HF and NH₃ controls the

etch rate (paragraphs 22-24); therefore, the relative amounts of HF and NH₃ are result effective. It is noted that '381 teaches etching a film on a substrate rather than a chamber surface, but '561 teaches cleaning a processes chamber wall where the cleaning conditions have been determined by experimenting with substrates (col. 5 lines 31-36). The ratio of HF to NH₃ controls the etch rate during the cleaning processes. Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of controlling ratio of HF to NH₃ as taught in '381, to improve the cleaning method taught in JP'727/'534/'591/'561 for the predictable result of cleaning the heat treatment apparatus.

8. The declaration under 37 CFR 1.132 filed 05/15/2008 is insufficient to overcome the rejection of claims 1-7 based upon the art of record under 35 USC § 103 as set forth in the last Office action because the facts presented are not germane to the rejection at issue. It include(s) statements which amount to an affirmation that the claimed subject matter functions as it was intended to function. This is not relevant to the issue of nonobviousness of the claimed subject matter and provides no objective evidence thereof. See MPEP § 716.

Response to Arguments

9. Applicants' arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

10. In response to applicants' argument concerning the criticality of the cleaning time being limited to protect the quartz structure, it is noted that time is a result effective variable and it is known in the art to minimize time required to clean (See '534 col. 5 lines 1-15) in order to, for example, inhibit excess damage from corrosion. See JP 7315872 to Kenmochi et al. which teaches a method of processing the surface of a quartz glass (abstract) including treatment with a mixture comprising ammonium fluoride and hydrogen fluoride, and discloses that the mixture corrodes the surface of the quartz (id.).

In response to applicants' pointing out that '534 discloses disadvantages of using fluorine chemistry during cleaning, this cannot amount to a teaching away, especially since '534 discloses that it is still preferred to use fluorine chemistry despite the disadvantages (See col. 5, lines 10-12). Applicants' assertion of the cost of the quartz structures goes to the perceived benefits of the claimed method, but is not germane to the rejections.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Golightly whose telephone number is (571) 270-3715. The examiner can normally be reached on Monday to Thursday, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Kornakov can be reached on (571) 272-1303. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EWG
/Michael Kornakov/
Supervisory Patent Examiner, Art Unit 1792